

ADJOURNED ANNUAL TOWN MEETING

May 15, 1996

Moderator DeWitt T. Minich called the second session of the Boxford Annual Town Meeting to order at 7:17 p.m. The articles of the warrant were disposed of as follows:

NOTE: At this time, we anticipate that Articles 15 and 16 will be offered as a "contingent appropriation". This means that although the appropriation for the article could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 15. To see if the Town will authorize the Treasurer with the approval of the Selectmen to borrow a sum of money to fund the architectural, designer and engineering services and to fund related permits and expenses necessary to obtain the required approvals and plans for the reconstruction and expansion of the current Police/Communications building (as shall be determined by the Board of Selectmen), said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 15.

Finance Committee recommended adoption of this article.

ARTICLE 16. To see if the Town will authorize the Treasurer with the approval of the Selectmen to borrow a sum of money to fund the architectural, designer and engineering services and to fund related permits and expenses necessary to obtain the required approvals and plans for the construction of a new Town Hall office building to house the Town Hall offices (as shall be determined by the Board of Selectmen), said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, Article 16 was defeated by hand count vote, 81 in favor and 140 opposed.

Finance Committee recommended against adoption of this article.

ARTICLE 17. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 for the repair, maintenance and painting of Town Buildings, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 17 by increasing the sum of money to \$60,000.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$60,000 for the repair, maintenance and painting of Town Buildings, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 18. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$800.00 to be used by the Boxford Village Garden Club for Civic Beautification and landscaping of Town owned property, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$800.00 to be used by the Boxford Village Garden Club for Civic Beautification and landscaping of Town owned property, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 19. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$26,690 to purchase and equip one new police cruiser, with new radio, and to authorize the Board of Selectmen to trade or dispose of any existing vehicles in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$26,690 to purchase and equip one new police cruiser, with new radio, and to authorize the Board of Selectmen to trade or dispose of any existing vehicles in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 20. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$17,500 to install an exhaust system in both the east and west Fire Stations; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$17,500 to install an exhaust system in both the east and west Fire Stations; said funds to be spent under the direction of the Board of Selectmen.

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Finance Committee recommended against adoption of this article.

ARTICLE 21. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a new grass mowing machine for the Department of Public Works, and to authorize the Board of Selectmen to trade or dispose of any existing mowers in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$12,500 to fund the purchase of a new grass mowing machine for the Department of Public Works, and to authorize the Board of Selectmen to trade or dispose of any existing mowers in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 22. To see if the Town will vote to rescind the action taken under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting which requested that the Selectmen petition the General Court to pass legislation to establish a Boxford Land Bank; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to rescind the action taken under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting which requested that the Selectmen petition the General Court to pass legislation to establish a Boxford Land Bank

Finance Committee recommended adoption of this article.

ARTICLE 23. To see if the Town will vote to petition the General Court to pass legislation to establish a "Boxford Land Bank", the purpose of which is to acquire real estate interests for conservation or preservation of open spaces, wetlands, water resource areas, wild life areas, and for the purpose of providing town administered affordable housing, substituting new language (as shown printed in this warrant for annual town meeting) from that which was authorized by vote of the Town under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting (vote taken May 10, 1995); or take any other action thereon.

An amendment was moved and seconded to add to Article 23 the following phrase: with the exception that the words "without further approval" in Section 1 be replaced with "upon approval of Town Meeting."

Upon motion made and duly seconded, it was VOTED, by majority voice vote to amend the primary amendment to include the words "a two-thirds vote" prior to "Town Meeting."

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Upon motion made and duly seconded, it was VOTED, by majority voice vote to add to Article 23 the following phrase: with the exception that the words "without further approval" in Section 1 be replaced with "upon approval of a two-thirds vote of Town Meeting."

Upon motion made and duly seconded, it was VOTED, by hand count vote, 123 in favor and 114 opposed, to petition the General Court to pass legislation to establish a "Boxford Land Bank," the purpose of which is to acquire real estate interests for conservation or preservation of open spaces, wetlands, water resource areas, wild life areas, and for the purpose of providing land, or any other real property interest for town administered affordable housing, substituting new language (as shown printed in this warrant for annual town meeting) from that which was authorized by vote of the Town under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting (vote taken May 10, 1995) except that the words "without further approval" in Section 1 shall be replaced with "upon approval of a two-thirds vote of Town Meeting."

Finance Committee recommended against adoption of this article.

The text now reads as follows:

An Act Establishing the Land Bank for the Town of Boxford

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Boxford is hereby authorized to impose a fee on the transfer or conveyance of any real property interest in such municipality. Said fee shall be in the amount of one percent of the purchase price, or such lesser uniform percentage as may, from time to time, be established by Annual Town Meeting of the Town of Boxford. The fee imposed by this section shall be the liability of the purchaser of said real property interest. Said fee shall be paid to the Registry of Deeds of the County of Essex, who shall be designated as a deputy collector of fees for this purpose only by the collector of the municipality, and paid over by the register to the municipal treasurer, who shall maintain a separate account of the same for the purposes hereof. Such funds shall be used for the acquisition of land or any other real property interest or related services, for the purposes of providing land for conservation or preservation of open spaces, and for town administered affordable housing, as defined by the Commonwealth of Massachusetts, land for recreation areas, or land for municipal uses. Such funds shall be administered by the Boxford Land Bank Commission, as herein established. The Boxford Land Bank Commission may, upon approval

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of a two-thirds vote of Town Meeting, expend such funds without limitation or borrow monies pursuant to applicable regulations for the purposes set forth herein. Said funds shall be distributed equitably, as determined by a majority vote of the Boxford Land Bank Commission, for the purposes set forth herein. Debt incurred for such purposes may be retired by expenditures from the fund established hereunder. Upon authorization by the local legislative body, the fee established hereby may be suspended; provided, however, that satisfactory provision is otherwise made for any outstanding debts incurred hereunder. The Boxford Land Bank Commission may accept gifts in furtherance of the purposes hereof on behalf of the town.

Section 2. For the purposes of this act, the following words and phrases shall have the following meanings:

"Boxford Land Bank Commission," commission composed of five representatives and two alternates. Three representatives are elected and two are appointed by the Board of Selectmen. The two alternates are appointed by the Board of Selectmen. Representatives and alternates will serve three year, staggered terms.

"Collector", the Treasurer of the Town of Boxford.

"Municipality", Town of Boxford, County of Essex.

"Purchaser", the transferee, grantee, or recipient of any real property interests.

"Purchase price", all consideration as recorded on the deed established by law or ordinance, paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred.

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficiary in a trust which holds any legal or equitable interest in real property.

"Register", the register of deeds for the Registry of Essex County or his designee.

"Seller", the transferor, grantor or immediate former owner of any real property interest.

"Time of Transfer", that time at which a transfer of any real property interest is legally effective as between the parties thereto, not later than the time of recording or filing.

Section 3. The fee imposed by the section one shall be due and payable by the purchaser at the time of transfer, and the deed or other such instrument of conveyance shall have attached to it a statement signed under oath or the penalties of perjury by both the seller and the purchaser, or their legal representative, attesting to the true and complete purchase price. If an exemption, as defined below, is claimed, approval must be given and so stated in

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writing by the Land Bank Commission and/or the Treasurer. The registrar shall certify thereon that the fee has been paid or the transfer is exempt from such fee and the basis for such exemption. The registrar shall not accept for recording a deed or other such instrument of conveyance unless it is in compliance with the requirements of this section. Any agreement between the purchaser and the seller or any other person with reference to the allocation of responsibility for bearing said fee shall not affect the liability of the purchaser.

Section 4. The Treasurer of the Town of Boxford shall post a conspicuous notice informing the public of the fee established by Section One and the rate thereof.

Section 5. The following transfers of real property interests shall be exempt from the fee established by Section One:

- a) Transfers to the government of the United States, the Commonwealth, and any of their instruments, agencies or their subdivisions.
- b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.
- c) Transfers made as gifts without consideration.
- d) Transfers by operation of law without actual consideration, including, but not limited to, transfers occurring by virtue of death or bankruptcy of the owner of a real property interest.
- e) Transfers made in partition of land and improvements thereto, under Chapter Two Hundred Forty One of the general laws.
- f) Transfers to the public, any charitable organization as defined in the third clause of Section Five of Chapter Fifty Nine of the general laws or any religious organization, provided that the real property interests so transferred will be held by the purchaser solely for its public, charitable or religious purposes.
- g) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.
- h) Transfers made to a corporation or partnership at the time of its formation, pursuant to which transfer, no gain or loss is recognized under the applicable provisions of the Internal Revenue Code.
- i) Transfers consisting of the division of marital asset under the provisions of Section Thirty Four of Chapter Two Hundred and Eight of the general laws or other provisions of law.

Except as otherwise provided, the purchaser shall have the burden of proving to the Boxford Land Bank Commission that any transfer is exempt hereunder.

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Section 6. The fee imposed by Section One of this act shall be in effect for a period of twenty years from the date of ratification of this act.

NOTE: At this time, we anticipate that Articles 24, 25, 26, 27, 28, 29 and 30 will be offered as a "contingent appropriation". This means that although the appropriation for the article could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 24. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 for the repair, maintenance and painting of Municipal Buildings; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote to pass over Article 24.

Finance Committee recommended adoption of this article.

ARTICLE 25. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 to fund the purchase of a new one ton GVW cab and chassis, with new plow frame for the Department of Public Works, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$30,000 to fund the purchase of a new one ton GVW cab and chassis, with new plow frame for the Department of Public Works, said funds to be spent under the direction of the Board of Selectmen; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override ballot question.

Finance Committee recommended adoption of this article.

ARTICLE 26. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, portable word processors, work stations, carts and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the second year of a five year technology plan for the Boxford Elementary Schools, said funds to be spent under the direction of the Boxford Elementary School Committee; or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$87,090 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, portable word processors, work stations, carts and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the second year of a five year technology plan for the Boxford Elementary Schools, said funds to be spent under the direction of the Boxford Elementary School Committee; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override question.

Finance Committee recommended against adoption of this article.

ARTICLE 27. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,000 to be added to the Conservation Fund; said funds to be spent under the direction of the Conservation Commission; or take any other action thereon.

Upon motion made and duly seconded, Article 27 was defeated by majority voice vote.

Finance Committee recommended against adoption of this article.

ARTICLE 28. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 to fund the drainage and other regrading and repairs to the Chadwick Soccer Field; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$30,000 to fund the drainage and other regrading and repairs to the Chadwick Soccer Field; said funds to be spent under the direction of the Board of Selectmen; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override ballot question.

Finance Committee recommended adoption of this article.

ARTICLE 29. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the fencing, site work, construction and for the purchase of one or more roll-off containers and other expenses related to the moving and setting up of a drop-off recycling center at the landfill, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$25,000 to fund the fencing, site work, construction and for the purchase of one or more roll-off containers and other expenses related to the moving

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and setting up of a drop-off recycling center at the landfill, said funds to be spent under the direction of the Board of Selectmen; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override ballot question.

Finance Committee recommended against adoption of this article.

ARTICLE 30. To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen to borrow a sum of money to fund the reconstruction of the Johnson Field athletic facility, said funds to be spent under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 30.

ARTICLE 31. To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to be paid as a lump sum to the Essex County Retirement Fund, for the purpose of relieving the Town from all obligations related to the retirement pension of former Boxford & Wenham Health District Health Agent, John Romanski; or take any other action thereon.

Finance Committee recommended a five year payment plan.

Explanation:	Lump Sum Now:	\$59,163
	Spread Out Over 5 years	13,720/yr (total=\$68,600)
	Spread Out Over 12 year	7,269/yr (total=\$87,228)

Boxford's portion of this cost is 61.5% regardless of the option selected.

Upon motion made and duly seconded, it was VOTED by unanimous voice vote, to raise and appropriate the sum of \$8,438 to be spread out over five years to the Essex County Retirement Fund, for the purpose of relieving the Town from all obligations related to the retirement pension of former Boxford & Wenham Health District Health Agent, John Romanski. Boxford's portion of this cost is 61.5%.

NOTE: At this time, we anticipate that Articles 32 and 33 will be offered as a "contingent appropriation". This means that although the appropriation for the article could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

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ARTICLE 32. To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen to borrow, an amount to enable the Conservation Commission to purchase or otherwise acquire for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL, Chapter 40, Section 8C, a 7.8 acre parcel of land (more or less) located on Lake Shore Road adjacent to Hovey's Pond; said purchase to be contingent upon the approval by the Division of Conservation Services of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts for partial funding to the Town through the "Self Help Grant Program" of at least 50% of the acquisition price; or take any other action thereon.

Upon motion made and duly seconded, Article 32 was defeated by hand count vote, 17 in favor and 176 opposed.

Finance Committee recommended against adoption of this article.

ARTICLE 33. To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen to borrow, an amount to enable the Conservation Commission to purchase or otherwise acquire for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL, Chapter 40, Section 8C, a 56.2 acre parcel of land (more or less) located on Main Street adjacent to Kimball Pond; said purchase to be contingent upon the approval by the Division of Conservation Services of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts for partial funding to the Town through the "Self Help Grant Program" of at least 50% of the acquisition price; or take any other action thereon.

A motion to postpone this article and to adjourn this Town Meeting was defeated by a hand count vote, 82 in favor and 104 opposed.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 139 in favor and 43 opposed, to authorize the Treasurer, with the approval of the Selectmen to borrow \$450,000 to enable the Conservation Commission to purchase or otherwise acquire for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL, Chapter 40, Section 8C, a 56.2 acre parcel of land (more or less) located on Sheffield Road adjacent to Kimball Pond; identified as Parcel "B" as shown on a plan of land prepared for Peter J. Shulman, Main Street, Boxford, MA by Martinaze Engineering Associates, Inc., Reading, MA, dated November 9, 1995; said plan filed with the Town Clerk; said purchase to be contingent upon the approval by the Division of Conservation Services of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts for partial funding to the Town through the "Self Help Grant Program" of at least 50% of the acquisition price; said authorization contingent upon successful passage of a Proposition 2-1/2 override question.

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Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to adjourn the meeting at 12:15 p.m. to a time certain, Wednesday, May 22, at 7:15 p.m. in the Masconomet Regional High School auditorium.

Registered voters attending the meeting were 268.